

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 173, FOOD AND DRUGS ACT.

MISBRANDING OF STOCK FEED.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the Rules and Regulations for the enforcement of the Act, notice is given that on the 29th day of April, 1909, in the District Court of the United States for the Eastern District of Missouri, a judgment was entered in the case of the United States against Hunter Bros. Milling Company, a corporation, a prosecution upon an information in substance charging said defendant corporation with having shipped and delivered for shipment from St. Louis, Mo., to Albany, N. Y., a certain package or sack of cottonseed meal labeled: "The Hunter Brothers Milling Company Pure Cotton Seed Meal, 100 pounds. Guaranteed analysis not less than Ammonia 8%, Protein 41%, Nitrogen 6.50%, Crude fat and oil 9%," which was misbranded in that the label thereof was false and misleading and so worded as to mislead and deceive the purchaser for the reason that the contents of said package did not contain 9% of crude fat and oil, but contained about 7.61% crude fat and oil. On the above mentioned date the defendant pleaded guilty to the above information and was fined \$10.00 and costs.

The facts on which the prosecution was based were as follows:

On or about January 29, 1908 an inspector of the United States Department of Agriculture purchased from the Oneonta Milling Company at Albany, N. Y., a sample of the feed product labeled as above described, which had been shipped to said dealer on or about December 31, 1907 by the Hunter Bros. Milling Co., from St. Louis, Mo. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain 7.61% crude fat and oil.

The said Oneonta Milling Company and the said Hunter Bros. Milling Company were duly notified of said charge and were given an opportunity to be heard and were heard in regard thereto.

It appearing that there had been a violation of the Act, the Secretary of Agriculture on January 20, 1909 reported the facts to the Attorney General, by whom they were referred to the United States Attorney for the Eastern District of Missouri, who filed the above information against the Hunter Bros. Milling Company, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*

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